

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SHROMA LANG,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner of the Social Security
Administration,¹

Defendant.

CASE NO. 16-cv-05189 JRC

ORDER ON UNOPPOSED MOTION
FOR EQUAL ACCESS TO JUSTICE
ACT FEES AND EXPENSES

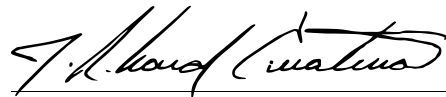
This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 6). This matter is before the Court on plaintiff's Unopposed Motion for Equal Access to Justice Act Fees and Expenses (*see* Dkt. 21).

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, (“EAJA”), plaintiff’s motion (see Dkt. 21), the attorney declaration and time and expense itemizations (Dkt. 21, Attachments 1, 2), and the relevant record, it is hereby ORDERED that EAJA attorney’s and paralegal’s fees of \$6,552.30 and expenses in the amount of \$20.88, for a total of \$6,573.18, shall be awarded to plaintiff pursuant to the EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at ***6-***7 (2010).

The Acting Commissioner shall contact the Department of Treasury after the Order for EAJA fees and expenses is entered to determine if the EAJA fees and expenses are subject to any offset. If it is determined that plaintiff’s EAJA fees and expenses are not subject to any offset allowed pursuant to the Department of the Treasury’s Offset Program, then the check for EAJA fees and expenses shall be made payable to Charles W. Talbot, Esq., based on plaintiff’s assignment of these amounts to plaintiff’s attorney (see Attorney-Client Agreement re Social Security Disability, Dkt. 21, Attachment 3). If there is an offset, the remainder shall be made payable to plaintiff, based on the practice of the Department of the Treasury (see, e.g., Case No. 2:15-cv-122, Dkt. 22, p. 4). Any check for EAJA fees shall be mailed to plaintiff’s counsel, Charles W. Talbot, Esq., at Talbot & Associates, P.S., 5005 Center Street, Suite E, Tacoma, WA 98409.

Dated this 31st day of January, 2017.



J. Richard Creatura
United States Magistrate Judge